

**Federal Defenders
OF NEW YORK, INC.**

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October 14, 2022

BY ECF

The Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

MEMO ENDORSED

**RE: United States v. Mark Putnam
20 Cr. 362 (KPF)**

Dear Judge Failla:

On October 5, 2022, Mark Putnam requested that the Court strike from Mr. Putnam's Presentence Investigation Report (PSR) the following sentence concerning [REDACTED]

[REDACTED] Presentence Investigation Report at ¶ 29, Dkt. 32. Striking this sentence from Mr. Putnam's PSR would enable him to transfer from FCI Elkton to a Bureau of Prisons Camp. *See* Dkt. 43. The government took no position on this request.

The same day, before ruling on the request, the Court directed defense counsel to provide the Court with the plea and sentencing minutes from the relevant conviction. Dkt. 44. Per the Court's request, enclosed please find the pertinent plea and sentencing minutes. Ex. A; Ex. B.

Thank you for your consideration of this request.

Respectfully submitted,

/s/
Marne L. Lenox
Assistant Federal Defender
(212) 417-8721

cc: Marguerite Colson, Assistant U.S. Attorney

Application GRANTED. The Court has reviewed the relevant plea and sentencing minutes. Although counsel does not dispute the factual accuracy of details contained in the relevant arrest report, neither Mr. Putnam's plea nor sentencing minutes make mention of the conduct discussed in the arrest report. The Court does not believe that Mr. Putnam should suffer ongoing adverse consequences due to conduct to which he did not plead guilty.

Accordingly, the Court GRANTS Mr. Putnam's request to strike the sentence beginning "As stated in the arrest report..." from paragraph 29 of Mr. Putnam's final presentence investigation report. (Dkt. #32).

The Clerk of Court is directed to terminate the pending motions at docket entries 43 and 45.

Dated: October 14, 2022 SO ORDERED.
New York, New York

Katherine Ruth Failes

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE